

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, August 9, 2002 – 9:00 a.m.
Saturday, August 10, 2002 – 8:00 a.m.
Radisson Woodlands Hotel
1175 W. Route 66, Flagstaff, Arizona

PRESENT: (Commission)

(Director's Staff)

Chairman Michael M. Golightly
Commissioner Joe Carter
Commissioner Sue Chilton
Commissioner W. Hays Gilstrap
Commissioner Joe Melton

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Asst. A.G. Jay R. Adkins
Asst. A.G. Jim Odenkirk

Chairman Golightly called the meeting to order at 9:10 a.m. The commissioners introduced themselves and Chairman Golightly introduced Director's staff. The meeting followed an agenda dated July 19, 2002.

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1. Litigation Report

Forest Guardians v. APHIS, CIV 99-61-TUC-WDB; *State of Arizona v. Norton*, CIV 02-0402-PHX-FJM; *Conservation Force v. Shroufe*, CIV 998-0239 PHX RCB; *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game and Fish Commission & Shroufe*, CIV 2000-020754; *Mary R. LLC, et al. v. Arizona Game and Fish Commission*, CIV 2001-015313 and *Defenders of Wildlife et al. v. United States Fish and Wildlife Service*, CIV01-934 (HA) (U.S.D.C. Ore.)

A copy of the update, which was provided to the Commission prior to today's meeting, is included as part of these minutes. Mr. Adkins stated there was nothing new to add to the report. He noted Mr. Odenkirk wanted to talk about the Page Springs Hatchery litigation in executive session later today.

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2. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto

Presenter: John Kennedy, Habitat Branch Chief

A copy of the printed update, which was provided to the Commission prior to the meeting, is included as part of these minutes.

Mr. Kennedy provided recent updates since the printed update was distributed. In reference to the A-S update and based on comments received from the Springerville Ranger District, the Department clarified Alternative 2 delays the livestock entry date until July 1 for both domestic sheep and cattle on the Beehive-Sheep Springs Allotment and all alternatives seek to balance the needs of cattle and wild ungulates.

The Department has been working cooperatively with land management agencies, counties, other organizations and committees on issues associated with forest restoration and unnatural wildfires. Mr. Kennedy stated his focus on this agenda item was on the Governor's Forest Health/Fire Plan Advisory Committee and related matters (page 3 of the update), not the Rodeo-Chediski fire, which will be addressed on a specific agenda item.

Mr. Kennedy emphasized the importance of the issues under the Sonoran Desert National Monument (page 6 of the update). The Habitat Branch worked with Mr. Adkins and other Department personnel to be recognized as an intervenor in the appeal; the Department will oppose the stay order requested by the appellants and request approval of the Environmental Assessment for the Proposed Action to maintain and enhance the wildlife water catchments within the monument. The request to be recognized as an intervenor has been completed. This appeal could potentially affect the Department's ability to manage wildlife populations within monuments and wilderness areas in Arizona (4 million acres of land). Mr. Kennedy clarified the Department could, even if the appellants were successful, continue to haul water to the 16 wildlife water catchments; the appeal is specific to the Department working with BLM to improve the efficiency of the catchments. Mr. Adkins agreed that even if the stay order were successful, the Department could haul water in the interim. The problem was the appellants contested the entire plan for the Department to continue to maintain and reconstruct those waters. If the appellants prevail in the claim, eventually the Department's maintenance of those waters would be eliminated. General public awareness is probably not as high as it should, in the Department's opinion, as the Department has not had a chance to do much outreach.

Motion: Carter moved and Melton seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO AGGRESSIVELY INTERVENE IN THIS PROCESS AND TO TAKE APPROPRIATE STEPS WITH RESPECT TO PERHAPS A NEWS RELEASE OR OTHER METHODS TO NOT ONLY MAKE THE PUBLIC BETTER AWARE OF THE ISSUE AND ITS IMPACT ON WILDLIFE RECREATION IN GENERAL BUT THE ABILITY TO MAINTAIN CRITICAL RESOURCES FOR WILDLIFE. THIS INFORMATION SHOULD BE CONVEYED TO THE GOVERNOR AND CONGRESSIONAL DELEGATION.

Commissioner Carter added one of the shortcomings throughout the state is general public awareness on both sides of many of the issues. Often, decisions have been made before the public has been adequately made aware of the issues to allow for input.

Vote: Unanimous

Commissioner Carter referenced the Apache-Sitgreaves and the Sheep Driveway issues, specifically regarding the Beehive-Sheep Springs Allotment, and asked how long the delay was to entry. Mr. Kennedy stated the entry date dispute was one month (June 1 vs. July 1; the existing entry date was June 1). Mr. Kennedy noted issues related to transporting sheep through the Drive as opposed to on-the-ground activity and previous negotiations that occurred between the Arizona Desert Bighorn Sheep Society (ADBSS) and the Dobson's. The agreement was between the ADBSS and the Dobson's with respect to a ADBSS proposal

to fund the cost of trucking sheep; the Dobson's chose not to accept the offer. Director Shroufe added the agreement was made with the Department on behalf of several members of different organizations when the Department was dealing with the Unit 22 sheep study. It was part of the commitment by the ADBSS, which they failed to do.

Commissioner Carter referenced the second paragraph on page 2 regarding the status of maintaining water developments within pastures that are proposed for nonuse. Mr. Kennedy stated the status of the issue and the forest proposed action remains as is written in the update.

Commissioner Carter asked to have an update on the status of the squirrel surveys on Mount Graham at the September Commission meeting. He wanted to know the status after 12 years of monitoring and surveying squirrel activity. He wanted to also look at the protocols used in the surveys to see if they were expanding beyond the elevations that were below the spruce forest and trees that have been destroyed.

Commissioner Carter referenced the vagueness of information related to transportation networks within Las Cienegas. Mr. Kennedy stated the Department was comfortable that the draft Plan and EIS address previous transportation issues.

Commissioner Chilton referenced the Governor's Forest Health/Fire Plan Advisory Committee update on page 3, and the letter that was prepared to the governor.

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Meeting recessed at 9:38 a.m.

Meeting reconvened at 9:45 a.m.

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Mr. Kennedy read into the record the draft letter, which was the Commission's response to comments from the Governor made on July 29, 2002.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION ADOPT THIS LETTER WITH ONE MODIFICATION, WHICH IS TO COPY THE SPEAKER OF THE HOUSE AND THE PRESIDENT OF THE SENATE.

Vote: Unanimous

Mr. Kennedy noted changes could be made and the letter would be ready for signatures later today.

Commissioner Melton commented on Barry Goldwater Range issues that have been turned around due to the Department's efforts. Funding will be sought to redo the Integrated Natural Resource Management Plan and the Sikes Act processes to incorporate Department concerns.

Commissioner Chilton asked if the document referenced in the update entitled, "Recommendations for Reducing Unwanted Wildfire Risk and Restoring Forest Ecosystems in Arizona" was available. Mr. Kennedy distributed copies to the

Commission at today's meeting and asked the Commission to review it and get any comments back to him as soon as possible.

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3. Request for the Commission to Approve Amendment No. 1 to the Joint Participation Agreement for the Lower Colorado River Multi-Species Conservation Program (MSCP)

Presenter: John Kennedy, Habitat Branch Chief

The Lower Colorado River MSCP represents a partnership between state, federal, tribal and public and private stakeholders that is focused on managing the water and related resources of the lower Colorado River and reservoirs from Lake Mead to the Southerly International Boundary with Mexico. The MSCP is a long-term program intended to conserve sensitive fish and wildlife habitats, accommodate current water diversions and power production, and optimize opportunities for future water and power development. The MSCP will provide long-term environmental compliance for the federal agencies, pursuant to Section 7 of the Endangered Species Act (ESA) and non-federal agencies and entities pursuant to Section 10 of the ESA. The Bureau of Reclamation and the U.S. Fish and Wildlife Service are the lead federal agencies in the MSCP.

In 1997, the Commission entered into the Joint Participation Agreement for the purpose of participating in the development of the Lower Colorado River MSCP. The Agreement expired on May 15, 2002; Amendment No. 1 extends the terms of the Agreement in order to complete development of the MSCP and will allow the Department to continue to be directly involved.

Motion: Melton moved and Carter seconded THAT THE COMMISSION VOTE TO APPROVE AMENDMENT NO. 1 TO THE JOINT PARTICIPATION AGREEMENT FOR THE LOWER COLORADO RIVER MSCP AND EXECUTE THE AMENDMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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4. Statewide Shooting Range Project Update

Presenter: Don Winslow, Acting Education Branch Chief

A written summary was provided to the Commission on major issues in the program prior to today's meeting.

Chairman Golightly announced the Commission will be authorized to do a limited amount of scope of work for the first phase of construction of the shooting range at Bellemont. The Coconino Forest Supervisor agrees and supports the Department's proposal and has directed his staff to process a Special Use Permit. This Permit will include an operating plan authorizing the first phase of construction that will reflect the following:

- 1) Authorize the off-site mitigation required by NEPA decision document
- 2) Authorize construction of Department standard wildlife fencing along portions of the range boundary
- 3) Authorize construction of roads indicated on the July 29 site plan

Signing is expected by August 16, 2002.

Mr. Winslow noted the Department was still waiting on BLM to take definitive action on a proposed site of the Tri-State Shooting Recreation Center. The Department has proposed Capital Improvement Funds for the range in its 04-05 budget.

The Highest and Best Use Study for the Ben Avery Shooting Facility (BASF) economic development zones has been completed and reviewed by the Department. The Commission has given direction to the Department to look at long-range development opportunities while maintaining the recreational shooting opportunities currently available at the BASF. Meetings are being held with the city and large development firms to gauge opportunities and constraints. The Habitat Branch has been working on a Request for Proposal (RFP) for lands previously identified by the Commission. The fundamental directive from the Commission for this RFP will continue to look only at development that will be compatible with existing uses on the BASF.

There have been emails and rumors that the Commission plans to sell BASF all at the expense of recreational shooting. The shooting range staff is working to correct the misinformation where and when it can. There will be a meeting of the state's shooting range operators at BASF in September. The Department is hosting the work session and will include an overview of the BASF development process and intentions to hopefully correct any misunderstandings that may arise. Overall, fee income and satisfaction with the BASF was up this past fiscal year.

The Commission directed the Department to be an active partner in the development process of the Buckeye Hills Regional Shooting Facility at its December 2001 meeting. The Department will not have the lead role in this project; the Maricopa County Board of Supervisors has taken formal action committing resources and long-term management responsibility over elements of the range facility. (For additional background information, see Commission meeting minutes for June 21, 2002, page 9.)

Pima County is actively working on design and construction schedules for the new Pima County Shooting Ranges to be located in east Tucson. They are also looking at developing funding packages needed for the full build out and long-term management of the range. The Department has contributed \$100,000 to the project to help construct safety berms and ADA restrooms. The Shooting Ranges Project staff has met with Pima County several times to coordinate activities and provide technical assistance during the construction and operation planning stages. Pima County is also looking at enhancements to the archery range in Tucson Mountain Park.

The Interagency Task Force on Recreational Shooting is developing lists of possible informal and formal shooting range sites in the Phoenix area. Its activities include development of educational materials on responsible shooting in the outdoors and

outreach to local shooting groups. Due to an early and significant fire season, the Committee has not been able to meet.

Commissioner Gilstrap asked about the Department's financial participation in the Buckeye Hills Regional Shooting Facility. Director Shroufe stated it would be close to \$2 million. The figure presented in June was \$1 million-\$2 million.

Commissioner Carter stressed the importance of staying on the Pima County Shooting Facility. There were issues related to wildcat shooting in rural Pima County.

Public comment

Chris Ameduri, representing the Baderville neighborhood, spoke regarding the Bellemont Shooting Range. Baderville is 1-2 miles away from the proposed range. Residents were not informed about the range when the Forest Service did the Environmental Assessment because they were not directly adjacent to the range. Mr. McCleve was approved for 400 residences adjacent to the range; there are currently six houses there already. She talked with McCleve's attorney (Mr. McKinley) and they plan to file an injunction as soon as the Department breaks ground at Bellemont. He wants to file for damages against his residential development. She did not understand why a shooting range was going in next to a large residential area when there was land available in every direction. She was concerned about the gun noise impact on her neighborhood. She asked the Commission to reconsider the site selection; there were alternatives that would not have such a negative impact on the public. Chairman Golightly stated Ron Sieg, Region II (Flagstaff) Supervisor was present and would get Chris's phone number to call to arrange a meeting with her and regional staff to explain some of the issues to alleviate some of her concerns.

Bob Coutchie, representing self, was concerned about the Bellemont Shooting Range as there would be negative aspects associated with the range. If the range were to be sold, taxes would go up to pay for the cleanup of the range area. Regarding the BASF, Mr. Coutchie considered it to be a legacy and it would be difficult to replace.

Darren LaSorte, State Legislative Liaison for the National Rifle Association (NRA), stated the BASF was a national treasure and it should be preserved. There was speculation that BASF was in danger. This speculation arose from the draft minutes of the June 21, 2002, Commission meeting (pages 9-11). He read excerpts from the minutes. Public concern was with regard to "selling the property as a large chunk" (first paragraph, page 10). He commended the Commission responded directly and quickly with a press release, an article in *The Arizona Republic*, and phone calls. He did not apologize for the activism on behalf of various state groups or the NRA. Shooters in Arizona were very hypersensitive about this issue.

If BASF is moved, development will follow the range; running from one's shadow is never effective. Moving the range will result in more illegal wildcat shooting. The heritage of shooting, gun ownership, in general, and gun safety will be lost. Range protection laws were passed this past year; BASF is protected now.

Mr. LaSorte recommended the following to occur:

- 1) Improve communication when issues arise
- 2) The Commission should make a motion that focuses on three things:
 1. Make every effort to maintain BASF where it currently is
 2. The Commission will work to enhance BASF and maintain it to meet the growing demand
 3. Any RFPs that are issued will protect BASF, create buffer zones, etc., from residential development

Commissioner Carter noted the Commission was here on behalf of shooters in the state. About 18-24 months ago, the Commission directed the Department to begin the process of looking at shooting range needs statewide because of what was being experienced in Pima and Maricopa Counties and the resultant public safety and wildcat shooting issues. The Commission was instrumental in getting legislation passed to protect shooting ranges. A committee is looking at BASF issues and has a wide range of interests that include not only wildlife management but wildlife recreation as well. He believed its final decisions would be in the best interests statewide. At the same time, the Commission was looking at revenue streams that will help the Department build facilities that will help them acquire properties across the state through partnerships with local government and land management agencies. Buffer zones are needed. Shooting ranges are needed in every area of the state. The Commission had to move responsibly and expeditiously.

Chairman Golightly stressed that, in the future, NRA should communicate with a member of the Commission before anything gets out to the public in the form of a rumor. This would avoid any miscommunication.

Jon Copeland, representing self, was concerned with development and the buffer zone at the BASF. Gail Tobin, representing self, was concerned about the idea that BASF may be at risk sometime in the future. She wanted to see some guarantee that BASF will remain intact. She was concerned there will never be a viable shooting range at Bellemont because of so many legal hurdles.

Angel Shamaya, Executive Director of "keep and bear arms.com", recommended that the Commission be accurate in its press releases. He believed the Commission had discussed the dispensation of the land at BASF and the possible closure of BASF at the June Commission meeting. Commissioner Gilstrap stated a decision tree process was identified at the June Commission meeting where the parameters were taken of the two extremes from either abandoning BASF to doing nothing. If the Commission was taking a look at all the potential options, then the Commission was faulty. Mr. Shamaya stated the press release was not as forthright as he would have appreciated and it was not entirely correct. Mr. Shamaya asked if the Commission has not discussed the possible closure of BASF. Commissioner Carter stated the process initiated at the last meeting was just the start of a very lengthy process. The Committee working on this needed flexibility to look at many options. The Commission has the responsibility of doing what

is best in the long-term interests of shooting ranges statewide, including one that is known as a national treasure. He appreciated the public's comments.

Ken Senft, Chief Training Officer of the Security Enforcement Training Academy, stated he used BASF for training of personnel. One recommendation for the future was when an issue specifically addresses certain areas of the state, the issue should be addressed in that particular area. The September work session should be noticed to the public. It would not be a good idea to move the BASF because it serves the metro Phoenix area and its close proximity to I-17 allows for easy access. The public was concerned about government officials talking about selling state lands. The environmental impact and the benefit the land may have to the general public are forgotten and only the economic benefit is considered.

Dave Siebert, Phoenix Councilman for District 1 and representing self, stated the Department was running the BASF much better than the County did. It is functioning so much better now than it was in 1995. Copies of the S-1 zoning ordinance were distributed. He cited a few sections. The BASF area cannot be used for commercial purposes without a zoning change; he could not support any kind of commercial zoning that would infringe upon the future of the range. He noted it may take several commissions before the land is sold piece by piece to where there is nothing left and has been encroached upon enough to where it cannot be saved. He has spent seven years protecting the range. Aerial photographs were distributed of the BASF. Unanimous decisions of the Phoenix City Council protect the BASF from any harmful development on the south side of Carefree Highway.

Jeff Cunha, representing self, was concerned about encroachment around the BASF and the Commission will receive complaints from the public. This should be a major concern for the Commission. R. Chester Sagaser, representing self, stated selling would be the death knell to the BASF. Shelley Sansom, representing the Arizona State Rifle and Pistol Association, stated BASF was a state-of-the-art law enforcement shooting facility. She did not want the Commission to get into another financial fiasco with the County and would be a bad business deal. She suggested selling the headquarters on Greenway and moving those offices to BASF. The monies derived from that sale could be used on state shooting ranges. Karmann Powell, representing the Annie Oakley Sure Shots, opposed the sale or lease of the BASF. She would like to see the continued presence of the BASF. Charles Coons, representing self, stated better ties should be built with the business community. Only one range was open out of many that were available. There were other ranges that could be utilized. New shooters should be retained and should be informed of what is available at the BASF. Encroachment is a reality and BASF should be protected.

Donn Hanks, representing self, works as a volunteer on the high power range at BASF. Maricopa County destroyed the range; the Department had to rebuild it. He urged that the Commission be careful in working with the County.

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Meeting recessed at 11:05 a.m.

Meeting reconvened at 11:15 a.m.

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Mark Pixler, representing self, stated the economic opportunity at the BASF was expanding the facility and making it available to the public. Other ranges should be open at the BASF to increase revenues. Peter Wainwright, representing the Flagstaff Shooters Association, stated the Commission should look at other uses of the range. He hoped there would be good ideas coming from the Committee to make this a good asset.

Clancy Jayne, President of the North Valley Partnership, stated there was a lot of undeveloped vacant land on the south side of the highway that the State Land Department may be required to sell to homebuilders. This would be a threat to the BASF. He asked the Commission to extend its economic planning to include a larger area. He serves as a Maricopa County Planning and Zoning Commissioner and the present supervisor of the County was concerned about the integrity of the BASF. If the economic development study was expanded and extended, there could be a buffer on the west side of the range with a ATV park or something with a long-term use that would be a perfect application and complementary to the range. The Commission should move ahead on the positive; if it did, it would find a lot of partners in the land planning of the area and there would be long-range protection of the range.

Caleb Soptelean, a reporter for *The Desert Advocate* newspaper and representing self, stated Mike Anable, State Land Commissioner, was not aware of the BASF being considered for sale as of August 6. Wynter Copeland, representing self, was opposed to the Commission going into executive session to discuss the BASF; the public should be involved with the BASF because the public is involved with the BASF. She also presented signed informal petitions in support of preservation of the BASF to the Commission.

Terry Allison, President of and representing the Arizona State Rifle and Pistol Association, stated the ASRPA was a partner with the Commission. The BASF can be a more lucrative producer of revenue than it is currently and the ASRPA can help do that. A buffer for the shooting range as Ben Avery envisioned and tried to accomplish placed the large acreage in the middle of an area where there the nearest building was five miles away in any direction when the range was built. Caution should be used in trying to buffer the facility with on-site buildings and development. There were considerations the Commission should look at but has not had the opportunity to do so because of the nature of communication over the past six years. The pace at the BASF has been fast paced and a lot of decisions have been made internally with little external input because of the pace and the scope. He suggested that their partnership be reactivated to allow input on an ongoing basis. Other user groups at the BASF could also be included so that something like this does not come as a surprise to anyone and has been addressed in advance rather than after the fact. The land at the BASF was precious and should not be sold piece by piece. It has to be kept, preserved and maintained to make it become better. He suggested the Commission form a new user group and the input for the range come from several directions rather than just through Department staff. Incidents like this open doors for opportunity.

Sydney Hay, representing self, referenced the earlier speaker's comments (Chris Amaduri) with regard to residential encroachment and informing potential homeowners there was a shooting range nearby. She stated that even though these people sign a waiver, it would not stop them from hiring a lawyer and filing a lawsuit. A similar

experience happened with the Prescott Sportsmen's Gun Club and the range was closed. A lot had to be done to reopen it.

John Cain did not speak but left written comments for the record with regard to keeping the BASF open so that the public can learn how to use firearms in a safe manner. Tim Milkovich, representing Dillon Precision, stated BASF should be kept.

Commissioner Gilstrap stated the BASF needed help and was presently in a dangerous position due to encroachment. The objective of the Commission was, and has been, to do everything within its power and ability within the legal status it had to maintain and expand the quality shooting facility experience for the state and visitors to the state. There have been discussions about the buffers around the BASF. The public needs to understand horizons must be expanded beyond a narrow scope and to look at all the options. The Commission cannot be limited in the decision-making process. There have been comments made about the minutes of the June meeting, but no one commented on his statement to study all the options and expertise should be assessed from developers and the shooting range community. The State Land Commissioner is a part of the communication, but the Commission was not far enough along to be able to express to him there was interest in the sale because there has not been any interest. He felt the Commission should take whatever steps were necessary to protect BASF from things that were controversial today.

Commissioner Melton stated he was on the Highest and Best Use Study Committee. It was the duty of the Committee to look at all options and issues that may occur at BASF. The BASF could be closed 5-10 years from now due to encroachment within the area. Many points brought forth today by the public were discussed by the Committee. The Committee would not be doing its job if it did not look at the wide angle and what could or may happen. Uses at the facility may be limited or restricted, and in 5-10 years, the BASF may not be able to handle the demand. We all need to work together; there are opportunities to consider. His objective was to do everything in his power to keep the BASF open. However, the fact is, for political or safety reasons, in the future the BASF may be closed and where do we go from there.

Commissioner Carter echoed comments made by Commissioners Gilstrap and Melton. He cited from minutes taken on the BASF at the October 2000 Commission meeting. The Commission then was talking about the same things talked about today, i.e., encroachment by subdivisions, Pioneer Village, needs to upgrade the facility with respect to safety and berms, increase in shooter days, and central points and administrative facilities. A future site for the headquarters was discussed as well as looking for new shooter sports and those kinds of activities. A 10-year development plan was looked at, not only for the BASF, but for statewide shooting ranges. The Commission needed to be vigilant to protect shooter sports. The BASF is a jewel. The Commission was genuinely concerned about the future of shooting facilities statewide.

Commissioner Chilton stated the Commission's objective is to preserve and increase safe shooting opportunities and to improve the convenience and efficiencies of the facilities already in existence.

Chairman Golightly stated he was passionate about shooting sports. He reminded the public this Commission and former Commissions have given the Department directions about developing shooting ranges throughout Arizona. The Commission has a challenge and it wanted to serve the public; it did not intend to cause any ill will.

Commissioner Gilstrap noted there was confusion in the minutes related to the RFP. In his motion he stated something to the effect of bringing it back to the Commission but that is not what he meant. In the administrative process for a RFP, the Department is given direction to prepare a RFP.

Motion: Gilstrap moved and Carter seconded THAT THE RFP DOES NOT HAVE TO COME BACK TO THE COMMISSION FOR APPROVAL.

Vote: Unanimous

Director Shroufe suggested that the Commission table this item for the rest of the day in case individuals come in later and want to speak about this issue.

Motion: Golightly moved and Melton seconded TO TABLE THIS ITEM.

Vote: Unanimous

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8. An Update on the Elk Harvest Management Strategy Phase II Public Outreach Campaign and a Request to Approve the Notice of Proposed Rulemaking and the Preliminary Economic, Small Business, and Consumer Impact Statements for R12-4-101, R12-4-102, R12-4-104, R12-4-107, R12-4-114, R12-4-115 and R12-4-609

Presenters: Mark Naugle, Manager, Rules and Risk Management
Richard Remington, Regional Supervisor, Pinetop
Dana Yost, Executive Staff Assistant

For additional background information, see Commission meeting minutes for March 15, 2002, pages 10-14; January 18, 2002, pages 34-37; August 11, 2001, pages 20-22 and March 24, 2001, pages 24-32.

Mr. Remington provided the Commission with background and history on the Elk Harvest Management Strategy Team report along with the Department's Phase I public outreach efforts. A Powerpoint presentation was given.

Mr. Naugle summarized where the Department was in the rulemaking process. The draft rulemaking package was sent to the Governor's Regulatory Review Council staff on March 28, 2002, for a courtesy review. Council staff recommended minor, non-substantive changes to R12-4-101, 102, 104, 107, 114 and 609, and substantive changes to 115, which the Department, in consultation with its Assistant Attorney General, has incorporated into today's presentation of Notice of Proposed Rulemaking and the preliminary Economic, Small Business, and Consumer Impact Statements.

Mr. Yost provided the Commission with a summary of the rule changes, along with the results of the Department's Phase II public outreach efforts.

The Department held numerous public meetings and attended four town council meetings on the elk rulemaking during May, June and July 2002. Public comments received by the Department during the Phase II Public Outreach Campaign were overwhelmingly positive and supportive of the draft rule changes.

If approved by the Commission, the Notice of Proposed Rulemaking will be filed with the Secretary of State by August 16, 2002, for publication in the Register on September 6. Written public comments will be accepted until October 7, 2002, and the Notice of Final Rulemaking will be presented to the Commission at its December 2002 meeting for final action. The anticipated effective date is February 21, 2003.

Public comment

Bruce Johnson, representing self, was concerned about the pendulum swinging too far with reducing elk herds. He noted he attends Forage Resource Study Group (FRSG) meetings in Flagstaff. This group does not allow individuals to be members of the group. He noted the FRSG was not representative of the community or sportsmen's interests in putting together rules, regulations and ideas about elk management. This issue was becoming one of trust. This rule would authorize the Director of the Department to issue permits to kill elk without any review by the Commission or public, such as with the normal hunt recommendations. This would not happen by game management unit; the Commission would issue an open hunt recommendation and will issue so many permits statewide. The ranching community will create pressure on the Director to issue permits in areas where the public may not think they need to be issued. He urged the Commission to direct the Department to look at ways of implementing the needs of the Department, but also provide more review of this process so that it is not left to the discretion of one person.

Commissioner Carter stated the issue is complex and involves complaints about elk from people who own ranchettes. There is another dimension other than ranching issues.

Motion: Gilstrap moved and Carter seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF PROPOSED RULEMAKING AND THE PRELIMINARY ECONOMIC, SMALL BUSINESS, AND CONSUMER IMPACT STATEMENTS FOR R12-4-101, R12-4-102, R12-4-104, R12-4-107, R12-4-114, R12-4-115 AND R12-4-609 FOR FILING WITH THE SECRETARY OF STATE.

Vote: Unanimous

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Meeting recessed at 12:35 p.m.

Meeting reconvened at 1:35 p.m.

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9. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife

Presenter: Leonard Ordway, Law Enforcement Branch Chief

Record of these proceedings is maintained in a separate minutes book in the Director's Office.

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10. Rehearing Request regarding Previous License Revocation/Civil Assessment Action by the Commission

Presenter: Leonard Ordway, Law Enforcement Branch Chief

For background information, see proceedings of April 12, 2002, pages 4-5 (Thomas E. Christian II). Mr. Christian requested a rehearing of this matter and decision. He stated he called in a few days before the hearing in April and explained that work prevented him from attending and he did not get a chance to present his side of the case.

Mr. Christian was not present at today's meeting. A rehearing was requested under D.1. of R12-4-607 (irregularity in the proceedings of the Commission, its staff, its hearing officer or the prevailing party, or any order or abuse of discretion which deprived the moving party of a fair hearing). The request was dated May 25, 2002. He made note of a previous call he had made to the Law Enforcement Branch secretary prior to the April meeting, but at no time did he express the need for a continuance because he could not attend. Nothing in writing was received from him prior to the April Commission meeting.

Motion: Melton moved and Chilton seconded THAT THE COMMISSION DENY THE REQUEST FOR A REHEARING.

Vote: Unanimous

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Meeting recessed at 3:05 p.m.

Meeting reconvened 3:18 p.m.

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11. Request from Mr. Mark G. Worischek for Reinstatement of Hunting Opportunity and/or Bonus Points Related to the Unsuccessful 2001 Buffalo Hunters in Units 12A and 12B

Presenter: Richard Rico, Assistant Director, Special Services

For additional background information, see Commission meeting minutes for June 22, 2002, pages 34-40; April 13, 2002, pages 41-43; March 15, 2002, pages 2-4 and February 22, 2002, pages 8-10.

Background information was provided. Mr. Worischek was unable to be present.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO DENY MR. MARK G. WORISCHEK'S REQUEST TO OFFER UNSUCCESSFUL

UNIT 12A AND 12B BUFFALO HUNTERS TAGS FOR FUTURE HUNT OPPORTUNITY OR TO REINSTATE THE BONUS POINTS OF THE UNSUCCESSFUL 2001 UNIT 12A AND 12B BUFFALO HUNTERS.

Douglas Ward, representing self, gave a synopsis of what happened during the buffalo hunt. There were no legal buffalo to hunt in the hunt area. Rodney Mindrup, representing self, stated he hunted at that time. The buffalo were not in an area where they could be fairly chased because they were in the national park. The Commission should afford them a fair chase opportunity. Ron Kester, representing self, stated the buffalo were not in herds during the winter. These herds wind up in the park. He would like to see the Department continue with the opportunity of having a free roaming area rather than fencing the House Rock Wildlife Area. He sympathized for the people who were affected by the lack of huntable buffalo.

Commissioner Chilton thought there was a valid distinction between an error on the part of the person making application and what has happened in this case. She was not in favor of issuing new tags but was in favor of giving back the bonus points.

Chairman Golightly recommended that there be two motions. One motion would be offered to either reinstate or not reinstate bonus points; the other, to offer or not offer unsuccessful Unit 12A hunters tags.

Mr. Rico reread the Department recommendation that was previously moved and seconded.

Vote: Carter, Gilstrap and Melton – Aye
Chilton – Nay
Chair voted Nay
Motion passed 3 to 2

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12. The Commission Will Be Asked to Approve a Master Memorandum of Understanding with the Hopi Tribe

Director Shroufe pulled this item from the agenda as the Hopi did not approve the MOU at its Council meeting in July and they needed to take action first.

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5. A Briefing on the Effects of the Rodeo-Chediski Fire on Wildlife, Wildlife Habitat and Department Programs

Presenter: Richard Remington, Regional Supervisor, Pinetop

The Powerpoint presentation was provided in three parts. Mr. Remington presented some of the fire statistics and impacts to local communities and explained some of the burn severity classes of the fire.

Bruce Sitko, Region I Information and Education Program Manager, described the separate assignments of Department personnel to the fire, information services provided by the Department and the Department's efforts in managing injured or orphaned wildlife during the fire.

Bob Birkeland, Region I Field Supervisor, described the fire's impacts to wildlife and wildlife habitat, initial fire mortalities, surveys conducted and post-fire wildlife concerns.

Noteworthy post-fire wildlife concerns:

7 watersheds in the area were identified as needing immediate rehabilitation for public safety issues due to high risk for severe flooding

Black Canyon Lake – 38% of the watershed around the lake burned either moderately or severely. It is uncertain, if ever, when there will be a fishery at the lake.

A population of federally threatened Little Colorado spinedace in the Lower Chevelon and Silver Creeks is at risk.

There was very little impact to any of the other lakes.

There were minor impacts to Canyon Creek Hatchery and there were no significant losses of fish at the hatchery itself. Crews are working to minimize erosion and to protect the upstream springbox from heavy sediment loads. The area is being revegetated. One wooden OHV fence was lost. Several elk exclosures were either destroyed or many of them will need to be replaced.

A week or two ago Canyon Creek received about 4 inches of rain over a short time and it flooded severely causing erosion and probably wiped out the creek.

Canyon Creek was a blue ribbon fishery. Recovery will be long-term and will depend upon successful rehabilitation.

Ash and silt have already reached Roosevelt Lake. Nutrient levels have increased two to three levels in magnitude; however, no expected immediate threat has shown up yet. There have been a few fish mortalities but they could not be directly tied to the sediment flowing into the lake.

Some late summer algae blooms may trigger some summer kill conditions on Roosevelt Lake. The Department is continuing to monitor conditions.

There has been little or no impact on threatened and endangered species.

Mr. Remington noted in summary that some of the future management considerations in Unit 3C deal with the fall big game seasons. There have been no amendments or changes to the fall big game schedules for that unit although the Region anticipates those will occur. There was no spring turkey season recommended by the Region for Unit 3C.

The Department and the Forest Service will be meeting on August 16 to formally iron out access in the burned areas as the Department moves toward the fall hunting seasons.

Department personnel have been assigned to the Forest Service Interdisciplinary Team that will be conducting a salvage timber sale on approximately 70,000 acres of high-moderate burn severity on the forests.

Commissioner Carter stated he worked closely with members of the congressional delegation, their staffs and the Governor's Office during the fire with respect to federal agencies taking steps to gain flexibility and funding to begin restoration of public and forest lands. This was one of the most comprehensive reports on the fire in terms of its impact, costs and what was needed for restoration.

Motion: Carter moved and Melton seconded THAT THE COMMISSION CONSIDER DIRECTING MEMBERS OF THE COMMISSION AND THE DEPARTMENT TO TAKE THIS REPORT TO THE GOVERNOR'S OFFICE TO SEE IF THEY COULD QUICKLY GET TOGETHER WITH MEMBERS OF THE DELEGATION OR THEIR SENIOR STAFFS WHILE ON SUMMER RECESS. THIS PRESENTATION SHOULD BE MADE TO THEM BECAUSE IT WOULD BE A TREMENDOUS TOOL FOR THEM TO TAKE BACK TO WASHINGTON, D.C.

Mr. Remington noted on August 15, the Natural Resources Discussion Group (Blue Ridge Demonstration Group) will be meeting again to compile a briefing packet on this fire. It will then be distributed to the congressional staff that will be touring the three forests that are participating in the County Restoration Forest Partnership Program. The tours are expected to occur near the end of August. The Group has asked the Department to take this presentation and put it into a briefing packet to be included in the larger packet for the congressional delegation. The Department intends to participate on the tour and providing this information. The Governor's staff has been involved but the County Forest Partnership is looking more closely at local work groups involved with the forests in forest restoration and wildland-urban interface issues and looking less at state government involvement. This information, however, could go to the Governor's Forest Advisory Committee to be included in her recommendations for funding.

Commissioner Carter stated he could not over emphasize the need for both the Commission and the Department to be aggressive to use this tool with the Governor's Office without waiting for other groups. It needed to be put on the table quickly.

Vote: Unanimous

Commissioner Gilstrap asked if it would be appropriate to put a script with the program and make it available for the Department or Commission to take to local groups, etc. As a follow up, it may be interesting for the Commission to hear on a periodic basis the evolution process. The burned area now is a living laboratory. Chairman Golightly stressed there should be a reason to make presentations and not get into the political causes. We want to focus on what happened, where we are and what it is going to take to restore it.

Mr. Remington stated there were two assessments of mortality associated with things like this. The first is the initial fire related mortality; but, as time goes on, the wildlife biodiversity within the burn area will change to meet the actual resource values that are remaining after the fire. There will be a different wildlife biodiversity five years from now in Unit 3C.

Chairman Golightly wanted the Commission to be kept informed on the progress. He wanted another briefing at the next Commission meeting.

Commissioner Chilton noted some fisheries were lost due to the fire probably for the life span of most people in the room, and others may be lost due to runoff of silt and ash. The Department needs to get the message out that forest health and habitat are major issues and action needs to be taken now.

Commissioner Melton thought this presentation would be welcome at the next meeting of the Wildlife Conservation Council.

Director Shroufe noted the Commission directed the Department in June to find out the names of the individuals who stayed at the hatcheries. He showed a plaque-picture that will go to each individual of the hot shot team and people who stayed at the hatchery to save it. The Commission will sign letters of appreciation tomorrow to each member.

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6. Update on Wildlife Waters in Game Management Units 13A and 13B

Presenter: Fred Bloom, Development Branch Chief

For additional background information, see Commission meeting minutes for February 22, 2002, pages 14-16.

A brief video was shown that was aired by National Geographic a few weeks ago that focused on the drought in Arizona and it contained a segment on some of the Department's efforts.

A printed copy of the update is included as part of these minutes.

Public comment

Ron Kester, representing self, discussed cooperative efforts in maintaining wildlife water catchments on the Strip.

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Meeting recessed at 5:05 p.m.

Meeting reconvened 5:18 p.m.

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7. & 14. Call to the Public

There were no comments.

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13. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Suggested legislative proposals were distributed to the Commission. The Commission would be making formal recommendations on these items at the September meeting

A second handout was in conjunction with the Director's goals and objectives for this year (Constructing a Year Round Legislative Presence). Planning was briefly reviewed.

1. Regional Legislative Meetings (Sept. 02)
2. Tours/Field Trips (Sept.-Nov. 02)
3. Legislative Briefing Book (Jan. 03)
 - a. History of the Agency
 - b. Organization and Personnel
 - c. Commission Members
 - d. *Budget and Revenue Sources
 - e. Wildlife Issues
 - f. Agency Accomplishments
 - g. Economic Impact of Wildlife Recreation
 - h. Promotional Items, e.g., copy of *Arizona Wildlife Views* & calendar
4. Monthly Newsletter (Nov. 02)
5. Formation of an Internal Legislative Team (Dec. 02)
6. Centralized Database (03)
7. Coordination with I&E Division (Nov. 02)
8. Working Groups (May 03)
9. Collateral Material(s) (Jan. 03)
10. Creation of a Legislative Web Page (Jan. 04)
 - * Top priority

Commissioner Carter thought the timelines on the first two items would be a challenge unless a legislator was in the second session of the Legislature. This could be an effective educational tool on an ongoing basis if it could be put into place. It is important to put together teams consisting of key Department staff and commissioners to be involved in the processes.

Commissioner Gilstrap noted he and Commissioner Carter would make themselves available to the legislative teams.

Director Shroufe stressed the importance of budget issues. If the Commission had any issues they wanted considered for the upcoming legislative session, the Department should know about them by September.

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4. Statewide Shooting Range Project Update – cont'd.

Motion: Gilstrap moved and Carter seconded THAT THE ITEM BE TAKEN OFF THE TABLE.

Vote: Unanimous

There were no additional public comments on this item.

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18. Executive Session

- a. Legal Counsel. *Forest Guardians v. APHIS*, CIV 99-61-TUC-WDB; *State of Arizona v. Norton*, CIV 02-0402-PHX-FJM; *Conservation Force v. Shroufe*, CIV 998-0239 PHX RCB; *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game and Fish Commission & Shroufe*, CIV 2000-020754; *Mary R. LLC, et al. v. Arizona Game and Fish Commission*, CIV 2001-015313 and *Defenders of Wildlife et al. v. United States Fish and Wildlife Service*, CIV01-934 (HA) (U.S.D.C. Ore.)
- b. Legal Advice. Open Meeting Law (this item was pulled from discussion in executive session)
- c. Personnel Matters. Director's goals and objectives

Motion: Carter moved and Melton seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed at 5:30 p.m.

Meeting reconvened at 6:14 p.m.

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19. Goals and Objectives Update for Second Quarter 2002

Presenter: Duane L. Shroufe, Director

Motion: Carter moved and Gilstrap seconded THAT BASED ON THE DISCUSSIONS WITH DIRECTOR SHROUFE WITH RESPECT TO HIS GOALS AND OBJECTIVES IN THE AREA OF PUBLIC ACCESS, THE COMMISSION DIRECT THE DEPARTMENT TO CONVEY TO THE GOVERNOR WHAT APPEARS TO BE ONE IMPEDIMENT TO OUR ABILITY TO REGAIN AND MAINTAIN ACCESS TO PUBLIC LANDS THROUGH SOME PRIVATE PARCELS THAT APPEAR TO BE SOUTHWEST BORDER RELATED ISSUES, WHETHER THEY BE TRESPASS OR PROPERTY DAMAGE, I.E., FENCING, ETC., AS WELL AS DEBRIS LEFT ON THE LANDS, IN AN AREA BEYOND OUR PURVIEW, AND WILL CONTINUE TO WORK WITH THE ARRAY OF PROGRAMS OFFERED TO THE AGENCY, BUT TO MAKE HER BETTER AWARE THERE ARE SOME ISSUES DIRECTLY

RELATED TO SOUTHWEST BORDER CROSSINGS, AND THEY ARE, TO SOME EXTENT, IMPACTING OUR ABILITY TO REOPEN AND MAINTAIN THOSE ACCESSES.

Director Shroufe noted a letter would be drafted for review by the Commission.

Vote: Unanimous

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Due to the length of today's meeting, Director Shroufe suggested the following items would be handled during Saturday's public session.

15. Director's and Chairman's Reports

16. Commissioners' Reports

17. Approval of Minutes

Motion: Melton moved and Chilton seconded THAT THE COMMISSION TABLE THE REMAINDER OF THE ITEMS UNTIL TOMORROW.

Vote: Unanimous

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Meeting recessed 6:16 p.m.

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Saturday, August 10, 2002 – 8:00 a.m.

Chairman Golightly called the meeting to order at 8:00 a.m. The commissioners introduced themselves and Chairman Golightly introduced Director's staff. The meeting followed an agenda dated July 19, 2002.

Commissioning of Officers

The following officers received their commissions: Jay L. Cook; John Dickson; David Halama; Heather Jaramillo; Richard Myers; Dane Sorensen and Joel Weiss. Chairman Golightly administered the oath of office.

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1. Request to Adopt Commission Order 5: Spring Turkey; Commission Order 6: Javelina; Commission Order 8: Spring Buffalo and Commission Order 9: Spring Black Bear

Presenter: Brian Wakeling, Big Game Supervisor

A Powerpoint presentation was given.

Commission Order 5: Spring Turkey

The Department recommended that the season run April 25 to May 22. Where hunter density and hunt success dictate, a stratified season was recommended. Rather than running two consecutive two week seasons, the Department recommended the first week of the season be made available exclusively to the first hunt; the second week exclusively to the second hunt and the final two weeks to those who had not harvested a turkey during either of the prior hunts. Therefore, the first stratified hunt would have dates of April 25 to May 1 and May 9 to May 22 and the second stratified hunt would have dates of May 2 to May 22. This would expand the number of days available to successful applicants, increase the flexibility in planning for hunt dates and continue to keep hunter densities at low levels.

The spring turkey hunt recommendation would reduce the permits by 380 and offer 5081 permits in the Limited Weapon Shotgun Shooting Shot-Only season. This reduction is a result of closing the season in Unit 3C in response to potential influence of the Rodeo-Chediski fire (320 permits) and reductions in Units 6A (25 permits; late season), 6B (25 permits; late season), and 17A/17B/18B (10 permits). The Department recommended no change in permit levels due to the extended drought and its effects on turkey recruitment.

A total of 150 permits were recommended for the juniors-only season in 2003. Twenty-five permits each would be offered in Units 1, 5B, 6A (with a stratified season), 8/10, and 27. The Department recommended a single permit be offered for Gould's turkey in Unit 35A. Fort Huachuca has chosen not to open the lands they administer to turkey hunting for 2003 but would like to coordinate annually on opening their lands for this hunting opportunity.

Chairman Golightly asked why Fort Huachuca chose not to participate. Mr. Wakeling stated the main reason was largely administrative (change in commanders this year).

Motion: Carter moved and Chilton seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 5-SPRING TURKEY, AS PRESENTED.

Vote: Unanimous

Commission Order 6: Javelina

The Department's recommendation was for 11,880 general firearms javelina permits; 9,615 archery permits and 7,050 HAM permits. Proposed javelina season dates for the 2003 seasons were January 1-31 for archery; February 14-20 for HAM and either February 14-20 or February 21-27 for the general hunt. One HAM season has been stratified in Unit 20C and the second season is proposed from February 21-27, 2003.

The Department also recommended 460 Juniors-only javelina permits. Unit 19B was placed in a multi-unit hunt that included Units 10, 17A, 17B, 18A, 19A, 19B and 20A. Unit 20B rotated into Unit 23; the hunt in Unit 36A rotated into Unit 37A. The proposed season date was February 7-13, with one hunt in Unit 23 proposed for February 14-20.

Commissioner Chilton thought there should be an increase in archery permits for next year. Mr. Wakeling stated the Department attempted to allocate opportunity with all of the weapon types and was the same allocation formula used for elk during the fall hunt recommendations. In addition to the application rate, hunt success is also used. These are used in combination to equitably allocate harvest amongst the various weapon types.

Motion: Carter moved and Melton seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 6-JAVELINA, AS PRESENTED.

Vote: Unanimous

Commission Order 8: Spring Buffalo

A single season of March 14 to April 13, 2003, with four any buffalo permits was recommended for the House Rock Wildlife Area herd in Units 12A and 12B. A spring season was recommended for the Raymond Ranch Wildlife Area with a single bull permit during March 14-20.

Motion: Melton moved and Carter seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 8-SPRING BUFFALO, AS PRESENTED.

Vote: Unanimous

Commission Order 9: Spring Bear

The Department recommended a March 21 to April 29, 2003, season that would close the first Wednesday after the female harvest objective was reached. This year's recommendation would continue the 25-permit hunt in Unit 24A and a 50-permit hunt in Unit 27, with a female harvest objective of one each. A 75-permit hunt in Unit 29/30A and a 150 permit hunt in Unit 31 with a female harvest objective of 1 and 2, respectively, was recommended again. Unit 32 was again recommended for a 50-permit hunt and Units 34A and 35A were recommended for a 15-permit hunt each, all with a female harvest objective of one each. Fort Huachuca was also recommended to be open, with the harvest objective in conjunction with Unit 35A.

A March 21 to April 13 archery-only spring bear season was recommended in Unit 22, with 50 permits and a harvest objective of one female bear. An April 30 to September 29 archery-only spring bear season was recommended for Unit 34A with 10 permits and a harvest objective of one female bear, and Unit 35A for 20 permits with a harvest objective of three female bears. Fort Huachuca was also recommended to be opened with the harvest objective in conjunction with Unit 35A.

The Department also recommended an April 25 to May 22, 2003, 50-permit archery-only season in Unit 3B and 3C with a female objective of two, and a 10-permit archery only season in Unit 6B with a female objective of one. These hunts will coincide with the spring turkey seasons.

Motion: Chilton moved and Carter seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 9-SPRING BEAR, AS PRESENTED.

Vote: Unanimous

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Chairman Golightly returned to Commission Order 8-Buffalo. He noticed during the presentation, House Rock Ranch Wildlife Area was used. In the regulations, in the hunt order section, it is referred to as the House Rock Wildlife Area. The latter designation should be used as House Rock was not a ranch. Dana Yost, Executive Staff Assistant and former Rulewriter, noted it was a part of the five-year review recommendation that came out of Article 3. Regular rulemaking on the article should be completed sometime next year. The change will be made in the rule to read House Rock Wildlife Area, which is the correct term.

2. Request to Adopt Commission Order 21-Waterfowl and Commission Order 22-Snipe

Presenter: Sam Lawry, Migratory Game Bird Supervisor

A Powerpoint presentation was given related to the regulatory process established for migratory game birds. Migratory game birds fall within a different jurisdiction, one that includes the U.S. Fish and Wildlife Service, Canadian provinces, as well as all the states.

As a result of the Pacific Flyway Council (PFC) and FWS Regulations Committee meetings, the following season frameworks and bag limit changes for the 2002-03 waterfowl season have been approved. The approved federal regulatory package resulted in several notable changes for Arizona, as described.

1. Final results of the FWS May Canadian pond counts and mid-continent breeding mallard indices allow for the liberal 107-day duck season as prescribed by the Adaptive Harvest Management criteria. In addition, the FWS has approved a season extension allowance for all Flyways. This allows states to open duck season on the Saturday closest to September 21 and close the season on the Sunday closest to January 30. Arizona's 2002-03 duck season was recommended to open October 18, 2002 and close January 26, 2003.
2. In previous years, the goose season in Arizona could not exceed 100 days in accordance with FWS frameworks. As a result of the season framework allowance for ducks, the FWS additionally approved extending the goose season recommendation that opens on October 18, 2002, and closes on January 26, 2003.
3. Due to the FWS's breeding population estimates of canvasbacks and predicted 2002-03 harvest, the FWS proposed to close the season on canvasbacks for the 2002-03 season in all four Flyways. On August 1, 2002, the Service Regulations Committee announced a closed season on canvasbacks for the 2002-03 waterfowl season. Harvest of canvasbacks will not be allowed in Arizona during the 2002-03 General and Juniors only waterfowl season.

4. The FWS's 2002 breeding population estimate for pintail is at an all time low of 1.7 million. This is largely tied to Canadian habitat conditions being extremely poor for pintails. The 2002-03 U.S. harvest estimate is projected to be 600,000 birds, which represents over 1/3 of the breeding population. As a result, the PFC and Service regulations Committee approved a restrictive package for pintail with a 1 bird bag per day and 60 day season. The Department recommended a pintail season within the general duck season beginning November 28, 2002 through January 26, 2003, with a bag and possession limit of 1 and 2 respectively.

Recommended 2002-03 season dates for general waterfowl, youth only waterfowl and falconry only and restricted goose seasons are:

	<u>Mountain Zone</u>	<u>Desert Zone</u>
Juniors-Only	Oct. 12, 2002	Feb. 1, 2003
Falconry-Only	Oct. 13-17, 2002	Jan. 27-Feb. 31, 2003
General Duck	Oct. 18, 2002-Jan. 26, 2003	Oct. 17, 2002-Jan. 26, 2003

This year the FWS and the Flyway Councils approved extending the season one week later than in past years. By opting to take that season extension, the Department recommended opening the waterfowl season one week later than normal, which usually coincided with the small game opener so that quail hunters could get a duck.

General Goose mirrors the duck season, which is a change from last year. Pintail numbers were at an all time low; the Service and Flyway Councils recommended the 60 day season throughout the four flyways. The Department recommended November 28, 2002-January 26, 2003).

The restricted goose season in Game Management Units 1 and 27 is proposed from December 1, 2002-January 26, 2003; in Game Management Units 22 and 23, from November 15, 2002 to January 26, 2003. This represents no change from last year other than extending it one week further as allowed by the Flyway.

Bag limit proposals were 7 ducks, no more than 2 hen mallards, no more than one pintail during the pintail season; no more than 4 scaups; no more than 2 redheads, and due to the continuing decline in canvasback breeding population estimates, the season is closed to canvasbacks for 2002-03 in all four Flyways.

There are no changes in the possession limits (25) for coots and common moorhens from last year. The bag limit for geese are three for white and three for dark.

Mr. Lawry explained his rationale for why he recommended extending the season one week later. It coincides with peak waterfowl numbers in the state to give hunters a better opportunity. There was hunter support for this. The California South Zone has to mirror our hunting seasons.

The recommended season dates for snipe is October 18, 2002-January 26, 2003, with a bag and possession limit of 8 and 16 respectively. (No change from last year.)

Public comment

Bruce Ivor, representing self, supported extending the waterfowl hunting season for 2002-03. Of the 75 responses he received from waterfowl hunters statewide, 100% approved starting the season later in order to have additional days in January.

Randy Hale, representing the Arizona Falconers Association, supported the suggested timeframes for this year.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 21-WATERFOWL AND COMMISSION ORDER 22-SNIPE, AS PRESENTED.

Vote: Unanimous

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Meeting recessed 9:15 a.m.

Meeting reconvened 9:35 a.m.

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3. Commission Decision on Approving a Memorandum of Agreement with the U.S. Fish and Wildlife Service to Define the Agencies' Respective Roles in Implementing the Endangered Species Act

Director Shroufe noted Dale Hall, Regional Director for the U.S. Fish and Wildlife Service (FWS), was unable to be present today as he was moving his family from Atlanta to Albuquerque. He had asked if he needed to be present today for this presentation, even though he previously discussed this issue with the Commission. Director Shroufe advised him to take care of his personal business today.

Presenter: Terry Johnson, Nongame Branch Chief

The Department and the FWS previously executed a Cooperative Agreement pursuant to Section 6 of the Endangered Species Act (ESA) of 1973, as amended, which requires the state to maintain an adequate conservation program for all species of mutual concern. The Department and the FWS both have limited funds with which to manage such species; therefore, each must be effective and efficient in using such funds.

The Department and the FWS mutually agree endangered species conservation in Arizona would be enhanced by affording the Department an opportunity to participate in developing and implementing each recommendation formulated and each action undertaken within Arizona pursuant to the authorities of the ESA, within the constraints of state and federal law. The two agencies have drafted an agreement by which to accomplish this.

In a January 2000 Western Association of Fish and Wildlife Agencies (WAFWA) meeting, commissioners and directors from member states expressed dismay to Senior Service staff about inconsistent implementation of ESA within and among FWS regions. The WAFWA was then asked to determine whether policy guidance or some other mechanism was needed to provide more consistency and to improve state-specific

implementation. Dialogue on this was initiated by WAFWA at its subsequent meetings. The International Association of Fish and Wildlife Agencies (IAFWA) was asked for assistance. The IAFWA assembled a work group under its Threatened and Endangered Species Policy (TESP) Committee to handle the task.

The TESP Committee work group determined appropriate national policy existed in the form of guidance published by the FWS in the Federal Register in 1994. The IAFWA informed the states and, acting on TESP Committee recommendations, continued work on a model state-specific Memorandum of Agreement (MOA) that could be used by any state desiring such an agreement. The final draft agreement was endorsed by IAFWA in April 2002, subject to Legal Committee review and subsequent Executive Committee endorsement. The final legal review is ongoing, with completion anticipated in August 2002 for Executive Committee endorsement later this month.

While participating in the April 2002 TESP Committee discussion of the draft model agreement, then Acting FWS Region 2 Director Dale Hall stated he supported the agreement and wished to be the first regional director with all of this states signatory to appropriate versions. On July 12, Region 2 Director Hall signed the agreement.

Mr. Johnson noted the intent was to establish a very clear seat at the table with the FWS for the Department to be involved in structuring how ESA will be implemented in Arizona.

Commissioner Carter asked about how the agreement would be implemented at the lowest level. He was concerned about this. The ESA has widespread and specific impacts on individuals and resources when species are reintroduced. The Commission was being asked to authorize the Department to enter into an agreement; the Department can modify, amend, etc. The agency would be better served with consistent Commission, or majority of the Commission, buy-in on any modifications of the agreement. He referenced item 11 on page 15. Language should be included in the motion that any modifications come back for Commission consideration.

Mr. Adkins stated the Commission could direct that any changes be brought back to it for final approval. There could also be a provision within the document itself. The document was signed by Mr. Hall already.

Mr. Johnson noted if Congress were to change the ESA in some way, it might change how this agreement is implemented or how the agreement itself might be structured. The Department had no problem with substituting Commission for Department in the motion.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION VOTE TO AUTHORIZE THE COMMISSION TO EXECUTE, RENEW, AND AMEND AS NECESSARY AN AGREEMENT WITH THE U.S. FISH AND WILDLIFE SERVICE (REGION 2, ALBUQUERQUE) REGARDING IMPLEMENTATION OF THE ENDANGERED SPECIES ACT.

Commissioner Chilton stated her concerns. She noted the paragraph starting with the second "Whereas". Sometimes the Commission has recommended that certain species not be listed or that critical habitat not be designated. She did not want the Commission

or Department to wind up with ESA implementation on the federal level becoming our expense and our enforcement responsibility outside of federal reimbursement. She also believed the local county boards of supervisors should also be included. Implementation of each of these decisions (each individual species or action, etc.) should occur with the concurrence and consultations with local boards of supervisors. If this is not done, the Department becomes the target of local people.

Mr. Johnson stated the agreement does not obligate the state to agree with any decision made by the FWS. It is a framework for trying to reach concurrence on decisions and implementation agreements. The agreement itself does not supersede any of the Department's obligations to implement Commission policy; we are still obligated to go through NEPA and other relevant state, federal and local processes. The agreement cannot supersede federal law; the FWS would make any final decisions. The agreement insures FWS coordination with the state. Mr. Johnson cited as reference the Sonoran tiger salamander recovery plan.

Vote: Unanimous

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4. Presentation by Joel McMillin, President of the Northern Arizona Flycasters Organization

Presenter: Bruce Taubert, Assistant Director, Wildlife Management Division

A handout was provided and a brief overview (with slides) of productive partnerships past and present was given.

JD Dam improvement – project has resulted in successful overwintering and, hopefully, summer survival of trout populations

Middle Tank improvements – excellent collaborative work but there's still work to do

Perkins Tank – completion of draining tank to kill illegally stocked fish

Apache trout and Gila trout restoration efforts – collaborative efforts of many have led to several successes but there was still much to complete

Education outreach with high schools regarding fisheries, conservation and flyfishing

Doctor McMillin presented a check in the amount of \$6000 donated by the Northern Arizona Flycasters, Federation of Flyfishers, and clubs in the Phoenix area to the Commission and Department for native trout restoration efforts.

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5. Presentation by Dr. Paul Beier, Representing Northern Arizona University, School of Forestry

Presenter: Bruce Taubert, Assistant Director, Wildlife Management Division

Doctor Beier noted the ways his research lab has collaborated with the Department and wildlife research. He described six of his current research projects and the way they are collaborated with the Department.

He described how the Department and NAU benefit from collaboration on these projects. His research benefited in three ways. He has received four Heritage grants over the past 10 years. He enjoyed collaboration with the Department's excellent research staff. The Department provides technical assistance. The Department benefits as well, financially, receiving subsidized scientific expertise, NAU assisting in the education of Department personnel, and sharing of data.

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6. Call to the Public

There were no comments.

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7. Future Agenda Items

Commissioner Gilstrap wanted to continue monthly briefings on the effects and rehab projects of the Rodeo-Chediski fire.

With respect to Commissioner Carter's request to take the Department's wildfire presentation to the Governor's Office, Commissioner Carter asked Commissioner Gilstrap to set up a meeting as soon as possible between himself, the Director and appropriate regional staff with Nancy Stump and Scott Celley in the Governor's Office with the hope the Governor's Office consents to the presentation being made to the Arizona congressional delegation during summer recess. Commissioner Carter suggested that excerpts from yesterday's presentation on drought be incorporated into this.

Commissioner Carter thought a presentation on the 12-year red squirrel survey results on habitat selection on Mount Graham might be covered under the lands update. Now that the preferred food source has been destroyed, Commissioner Carter noted the multi-agency task force was finding squirrels in mixed conifer where before the squirrels were limited to the spruce forests. He was interested in knowing how much broader the scope of the surveys was going to be and what the timeframes were for implementation so that information can be gathered about what the populations are vs. the limitations that existed for so many years. Director Shroufe thought this issue should be covered under a separate agenda item. Chairman Golightly noted the lands update was an action item and Commissioner Carter had suggested this red squirrel report as a non-action item.

Commissioner Chilton suggested having a presentation at the next Commission meeting by Dr. Alvin Medina on the study that has been done on the upper Verde River regarding creation of habitat variables for endangered native species, e.g., spikedace. Director Shroufe stated he wanted to discuss the presentation with the Forest Service Experimental

Station. He had concerns regarding some of the processes that were used and some of the data from the processes. He wanted to review the presentation to discuss any differences with the persons involved prior to a presentation made to the Commission. Commission Golightly stated this was a non-votable request by the Commission. Department people should be prepared to rebut any statements made with which the Commission does not agree. Commissioner Gilstrap stated that when people who had expertise in an area make presentations to the Commission, it was critical that the expertise be credible. He was not sure it would be beneficial to debate information. He preferred to hear information that was peer-reviewed and credible, which would assist the Commission in its decision-making process. He added a Commission meeting should not be used for a forum for presentations of scientific information unless it had gone through the process. Commission Carter thought Director Shroufe's idea to give the Department a chance to resolve and/or clarify issues prior to the public presentation was good. Commissioner Chilton stated she was willing to wait until the October meeting.

Commissioner Carter stated he had no specific agenda and he did not want to get into an area where the Commission had two sides on an issue, but the Commission and Department had responsibility in a public forum to be better informed on the Mexican wolf reintroduction program. The last time the issue was discussed was May 2001. This occurred after the FWS completed its three-year biological review. The stakeholder component was completed in August 2001. It was now a year later; we are in the fourth year of a five-year program waiting for the results of the three-year review process. The September meeting agenda should have a briefing of the status of the program and what course the FWS was leaning toward with the remainder of the five-year program, as well as how the document the Commission just signed elevates the level of participation by the Department. The Department expressed concerns about where the FWS was going with the program and flexibility should exist for this to be an action item. Meetings needed to occur in the areas where people and resources are impacted by the project.

Director Shroufe noted he attended a meeting in July with Dale Hall, where he is trying to implement the agreement on which the Commission just took action. The FWS was asked to do several things, e.g., better cooperation, having an informational and educational direction to local publics. He hoped September would be a timely meeting. Commissioner Carter noted that inviting Mr. Hall to the Commission meeting might lend some credibility on what the FWS was doing.

Commissioner Gilstrap requested that this not be an action item to prevent the spreading of totally unfounded rumors. Commissioner Carter had mixed feelings because he did not know the specifics. The Department had made significant recommendations in the draft document with respect to program enhancement and changes. He wanted the Commission to have the latitude to endorse or support the Department's recommendations on the program. This was a high profile issue and the Commission may want to give the Department direction. The Commission had a responsibility to wildlife under law. The question was what the Commission's role was and relationship with the lead agency. Commissioner Gilstrap was comfortable with this being a non-action item; action resulting from the presentation in September could occur at the October meeting. The Commission could express consensus without the item actually being an action item. Chairman Golightly commented Director Shroufe hoped the FWS

would be ready with a recommendation; if not in September, it would be prudent to take action in October. Mr. Odenkirk stated if one member of the Commission wants to take action on an agenda item, then that is the decision and the Commission does not have the authority to vote whether or not it should be approved. If there was action associated with an agenda item, his concern was that the public be adequately notified as to what the potential action might be. If the agenda item is noticed as a briefing about the Mexican wolf project, there could be any number of actions that could result from the briefing. It is important to try to narrow the scope of the potential action that could be taken and described in the agenda. Commissioner Carter stated it would be a disservice to the Department and Commission to not set agendas based on the business of the Commission and the agency out of fear of misrepresentation or misinterpretation of rumors being spread by individuals or groups. Wording is consistent that the Commission "may give direction" or "may take action to give direction to the Department" and the scope is not defined as to what the direction might be. If we do this on this program, then it needs to be done on every agenda item that we have that states the Commission may give direction to the Department.

Chairman Golightly noted there would be great public interest on the item. If the public feels the Commission will give direction to the Department to remain or not remain in the program as a result of the briefing, the item needs to have a greater explanation than just a briefing on the agenda. Commissioner Carter stated the issue impacts a region in the state. He wanted to get the facts out as to where the program is, what the Department's relationship is and the level of Department participation in the future.

Commissioner Gilstrap did not want to create an unforeseen consequence in this agenda item. The agenda item could state the Commission would not be deciding whether to be in or out of the wolf reintroduction program; this may prevent speculation. Commissioner Carter stated it was difficult to limit the scope of what the Commission may do without determining what the pieces were in the puzzle.

Chairman Golightly suggested drafting language right now for the Mexican wolf reintroduction program agenda item. Mr. Odenkirk stated the Commission could do so, but if the Commission was concerned about expanding the scope of potential action, the best thing would be to have a lengthy agenda item incorporating many different types of topics so the public would be fully aware of what decisions the Commission may be making. It is fairly obvious what action the Commission would be making with most agenda items from the wording of the presentation, but it was important that the public understand what actions would be taken with a particular agenda item. If there were many actions that could be taken, the scope of the agenda item should be broadened to include potential actions.

Commissioner Carter noted there were times where this discussion right now would appear to try to limit the ability of this Commission to do what is responsible action based on the briefing. He was sure the Department would have a briefing paper that will be distributed to the public, along with agenda items. The action depends on the Commission and where it might go. There were opportunities for the public to speak on every agenda item.

Mr. Odenkirk noted situations with annual hunt orders. The Department distributes information to the public about proposed hunt orders. There were a variety of issues associated with hunt orders the public was aware of. Occasionally there is something brought up at the day of the Commission meeting that the public has not been made aware of at any public hearings. Suddenly, there is a proposal for the Commission to take action on that item. This was the same concern about the item currently being discussed. There could be a briefing document that could be broad and include many topics; if the action item is associated with the briefing document, he saw no problem even if it was not specifically stated in the agenda. He advised many topics should be included on the agenda so the public is aware of what potential actions might be as a result from discussions at the meeting. Surprises to the public that they could not reasonably contemplate based on the agenda should be avoided.

Mr. Odenkirk affirmed that Commissioner Carter can legally place the item on the agenda and he can have it be an action item. The question is how the agenda item would be ultimately drafted and what is stated in the agenda item. Action taken, if any, should be consistent with the agenda item.

After further dialogue, Chairman Golightly stated if the key component of the agenda was to have the Department remain or not remain in wolf management in Arizona by vote, it should be stated. Commissioners Gilstrap and Carter did not agree. Commissioner Carter stated as long as there was wildlife in Arizona, the Commission had a wildlife trust responsibility. Commissioner Gilstrap did not want to restrict the Commission from carrying out its duties and responsibilities in a timely manner.

Director Shroufe stated the issue now was how to legally notice action on the agenda. Mr. Odenkirk stated the Commission wanted a broadly approached agenda item and should have options at the meeting. Chairman Golightly stated that because of the nature of this item, he wanted to try to limit calls and newspaper interviews by detailing as much as possible on this agenda item so that the public knows exactly what the Commission intends to do. Director Shroufe stated Commissioner Carter and Mr. Odenkirk would work on the agenda language during recess.

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Meeting recessed at 11:25 a.m.

Meeting reconvened at 11:53 a.m.

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Mr. Odenkirk stated the proposed agenda item language for the Mexican wolf.

The Department will present an update on the progress and results of the Fish and Wildlife Service's three-year review of the wolf release program and provide an overview of Department comments on the results of this review. The Commission may vote to give the Department direction regarding its recommendations to the Service.

This was drafted with the understanding that if a commissioner wants to propose a motion to terminate Department involvement in the wolf program, it would be beyond the

intended scope of this agenda item. If that were the desire of a commissioner, there would need to be a separate agenda item for that.

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The remaining items were left over from Friday's meeting.

15. Director's and Chairman's Reports

Chairman Golightly attended the Western Association of Fish and Wildlife Agencies (WAFWA) meeting in July in Albuquerque. He traveled to the Kaibab with staffs from the Forest Service, National Park Service (NPS), Bureau of Land Management and the Department regarding concerns with bison trespassing onto park land as perceived by the NPS. He met Thursday with the Superintendent and Deputy Superintendent of the Grand Canyon National Park regarding this issue.

Director Shroufe noted written division reports were previously provided to the Commission. There were several coordination meetings with the FWS on various issues. He met with Larry Bell (New Mexico Department of Game and Fish), the FWS and The Peregrine Fund regarding the potential release of aplomado falcons in New Mexico. Arizona should be included in a 10 j rule.

Director Shroufe attended and chaired a North American Wetlands Conservation Council (NAWCC) meeting; \$45 million are usually distributed each year in grants to joint ventures in the United States, Mexico and Canada. At the last meeting \$23 million was distributed.

Director Shroufe also attended meetings of the WAFWA, (two) Wildlife Conservation Council, Pacific Flyway Council, the Arizona Cattle Growers Association, the Sportsmen/Landowner/Lessee Committee, and Wildlife for Tomorrow.

Director Shroufe stated a federal aid exit audit was held yesterday. The audit looks good and should be presented to the Commission in a few months.

Some Department people worked the Rodeo-Chediski fire. Wildlife managers are Fair Labor Standards Act (FLSA) exempt (not covered by FLSA). This is because of a professional type exception. The Department got into some issues because of that classification. Department people in overtime status are paid single time instead of time and a half. This was an issue with some Department people. The issue was solved, but another issue arose that is very serious to the Department. The Arizona Department of Administration Human Resources Office and U.S. Department of Labor feel that all wildlife managers II's are misclassified for FLSA. They should be non-exempt employees, just like regular law enforcement personnel. This would be devastating to both them and the Department because they would be working a 40-hour week, 8 hours a day, and anything over that they would be paid time and a half overtime. There would be no flexibility in their schedules and the Department cannot pay overtime at that rate. The Department would be faced with substantial problems. The Arizona Department of Administration has pledged to work with the Department on classifications of their jobs and see if the problem cannot be resolved. This problem is a moral issue, a service issue and an issue of money for this Department because money was not available. Personnel

will remain as exempt for the present time. The Department will be going through audits. Wildlife managers I were already non-exempt because they are doing all law enforcement. Law specialists are not classified as non-exempt because 100% of their time is spent on law enforcement.

Director Shroufe was made aware of an email from Dale Hajak. He was leaving *The Arizona Republic* newspaper; he did not know what the future would be of its full-page outdoor section.

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16. Commissioners' Reports

Commissioner Melton attended the WAFWA meeting and toured the House Rock Wildlife Area. He attended the trappers' convention in Globe.

Commissioner Gilstrap attended the Western Governors' Association meeting. He attended meetings with regard to keeping the lottery. He attended a jaguar conservation team meeting in Animas, New Mexico. He spent time dealing with Ben Avery Shooting Facility activities and attended the WAFWA meeting. Regarding the sports section in *The Arizona Republic*, Director Shroufe suggested that he and several commissioners meet with the editorial board and talk with them regarding the importance of the outdoors section. He attended the Habitat Partnership Committee meeting; there were \$750,000 worth of projects funded. There will be a follow-up meeting on August 28 to deal with projects that were tabled.

Commissioner Carter attended the groundbreaking ceremony for a new visitor center at Roper Lake. He attended the Department Employees' Awards ceremony. He testified at the U.S. Senate Native Americans Committee hearings on the Zuni water settlement. He toured the House Rock Wildlife Area. He toured John Long Canyon with Gerry Perry and Commissioner Gilstrap. He attended the Arizona Cattle Growers' Association meeting in Prescott and attended the Eastern Arizona Counties Planning Committee meeting. A symposium will be held September 12-13 at Eastern Arizona College with a focus on forest and rangeland health, as well as riparian areas along the Gila River.

Commissioner Chilton attended Altar Valley Conservation Alliance meetings. She attended the Arizona Cattle Growers' Association meeting. She attended the Sportsmen/Landowner/Lessee Committee meeting.

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17. Approval of Minutes

Motion: Melton moved and Carter seconded THAT THE COMMISSION APPROVE THE MINUTES FOR JUNE 11, 2002 AND JUNE 20-22, 2002.

Commissioner Gilstrap pointed out two items in the minutes of the June 21-22 meeting. One was under public comment dealing with the shooting range. The Commission stated it was looking for input from the shooting range community. The other was on page 11 where Commissioner Melton stated it was important to move forward on the planning process at Ben Avery even though we hope the range would be open indefinitely. He wanted to reiterate those points in the minutes.

Vote: Unanimous

The minutes for May 17-18, 2002 were signed.

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18. Executive Session

- a. Legal Counsel. *Forest Guardians v. APHIS*, CIV 99-61-TUC-WDB; *State of Arizona v. Norton*, CIV 02-0402-PHX-FJM; *Conservation Force v. Shroufe*, CIV 998-0239 PHX RCB; *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game and Fish Commission & Shroufe*, CIV 2000-020754; *Mary R. LLC, et al. v. Arizona Game and Fish Commission*, CIV 2001-015313 and *Defenders of Wildlife et al. v. United States Fish and Wildlife Service*, CIV01-934 (HA) (U.S.D.C. Ore.)

There was one carryover item from the above.

- b. Legal Advice. Open Meeting Law (this item was pulled from discussion in executive session)

This item was postponed until the next Commission meeting.

- c. Personnel Matters. Director's goals and objectives
Under Item F-4, legal issues would be discussed under the Bellemont land exchange.

Motion: Gilstrap moved and Carter seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed at 12:22 p.m.

Meeting reconvened at 1:02 p.m.

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19. Goals and Objectives Update for the Second Quarter 2002

Chairman Golightly noted goals and objectives were discussed; there was nothing to report in public session.

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Motion: Gilstrap moved and Carter seconded THAT THE MEETING ADJOURN.

Vote: Unanimous

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Meeting adjourned 1:05 p.m.

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